

February 12, 2010
VIA ECFS

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St. SW
Washington DC 20554

RE: **Annual Customer Proprietary Network Information Compliance Certification; EB
Docket No. 06-36**

Dear Ms. Dortch:

Pursuant to 47 CFR §64.2009(e), please find attached BalsamWest FiberNET, LLC annual compliance certification and explanation of procedures for 2009. Please do not hesitate to contact me if you have any questions.

Sincerely,



David Hubbs
Chief Executive Officer

Attachments

CC: Best Copy and Printing via email at fcc@bcpiweb.com
Joyce Gailey via email at jgailey@kgpartners.net

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2009

Date filed: February 12 2010

Name of company covered by this certification: BalsamWest FiberNET, LLC

Form 499 Filer ID: 824680

Name of signatory: David Hubbs

Title of signatory: President

I, David Hubbs, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules [Exhibit A Attachment].

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).



David Hubbs
Chief Executive Officer

Exhibit A

Statement of BalsamWest FiberNET, LLC CPNI Procedures and Compliance

Pursuant to 47 CFR §64.2009(e), this statement summarizes BalsamWest FiberNET, LLC's ("BalsamWest" or "Company") policy, practices and procedures to ensure compliance with 47 CFR Subpart U, as modified in 2007 ("FCC CPNI Rules").

BalsamWest currently provides only data and transport telecommunications services over dedicated facilities to enterprises, including businesses, schools and hospitals, and carrier customers pursuant to contracts. BalsamWest contracts contain confidentiality agreements that address use and protection of customers' private information.

If in the future BalsamWest elects to expand or change the type and manner in which its services are provided, it is committed to follow the applicable rules set forth in the FCC CPNI Rules with regard to both utilization and protection of CPNI, including the institution of additional operational procedures as required to ensure that notification is provided to the customer and customer approval is obtained before CPNI is used or disclosed.

Operational Practices and Procedures

BalsamWest currently uses CPNI only to market service offerings that are within the same category of the service that is already provided to the customer and, therefore, does not require customer approval pursuant to 47 CFR §64.2005.

BalsamWest is committed to taking all reasonable measures to discover and protect against attempts to gain unauthorized access to its customer's CPNI. BalsamWest discloses CPNI only (i) as set out in its contracts with customers (ii) where required by law in accordance with lawful U.S. process or (iii) pursuant to a customer-initiated written request made to a BalsamWest dedicated Account Manager for such customer or to an authorized BalsamWest employee or agent. In person requests require evidence of a valid government issued ID.

BalsamWest has elected not to disclose CPNI over the phone and does not allow for online access to CPNI.

Requests for CPNI by law enforcement agencies are only granted if a subpoena or court order is submitted by an authorized court or government agency, or if the customer provides written permission, which shall be directed to an officer of the Company, or its designee, for approval before such access is granted by Company employees or agents.

The Company practice is to maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. BalsamWest operational procedures require that all requests for customer CPNI be in writing, whether from an authorized employee, third party or law enforcement, and these

requests are maintained in BalsamWest archives for at least one year.

In the case of a breach which results in unauthorized CPNI disclosure, BalsamWest sends notification of such breach to the governmental agencies and to the customer as specified in the FCC CPNI Rules; that is, no later than seven days following the breach, to the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) in accordance with 47 CFR §64.2011. BalsamWest internal procedure is to notify the customer following notice to law enforcement, unless there is an urgent need to notify the customer to prevent harm. BalsamWest retains electronic or manual records of all CPNI breaches for a minimum of two years.

The company provides training to BalsamWest employees, contractors and agents on the FCC CPNI Rules. Further BalsamWest policy includes a disciplinary process to ensure that its personnel, contractors and agents comply with restrictions regarding the use and disclosure of and access to CPNI. Non-compliance with FCC CPNI Rules will result in verbal and written warnings and, if not corrected or if done in a malicious or willful way, will lead to termination of employment. Those individuals who have access to customer's CPNI have specific performance requirements related to use and protection of CPNI and are subject to supervisory review.

BalsamWest retains electronic and hard copy archives of all Sales and Marketing Campaigns related to BalsamWest services, whether done by BalsamWest or an affiliate. These records are retained for at least one year. The current company policy requires that all BalsamWest marketing, including outbound marketing, have approval of a Company officer.